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10/566,766

01/31/2006

Johannis Friso Rendert Blacquiere

FR 030084

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09/17/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PENDLETON, DIONNE

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

09/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/566,766

**Applicant(s)**BLACQUIERE, JOHANNIS FRISO  
RENDERT**Examiner**

DIONNE H. PENDLETON

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                             |                                                                                         |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yonezawa (US 2004/0076084)** in view of **Hoskins (US 2001/0042223)**.

**Regarding claims 1 and 6,**

YONEZAWA teaches a device for recording data blocks on a disc-shaped record carrier, and inherently teaches a method for recording at least one data block on a disc-shaped record carrier as suggested by the structure of said device, comprising:

a head ("10" in figure 1) for writing at least one data block on said record carrier,

means for moving the write head ("12" in figure 1) towards a predetermined track comprising a first location to which the at least one data block is planned to be written, and

means for determining a current location of the write head when it is positioned on the predetermined track (lines 5-9 of paragraph [0064]).

YONEZAWA does not clearly teach a *means for controlling...*, as recited in the claim.

Hoskins teaches a “means for controlling” the write head in such a way that the at least one data block is written to a second location, which is the nearest available location on the track of the current location of the write head in the rotational sense of the record carrier (***shown in Figure 6, also see paragraph [0052] which discloses “sector slipping” to the next closest and available good reserve sector***).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Yonezawa and Hoskins, providing Yonezawa's device with means for managing defects encountered in the optical disc medium comprising movement of the write head to a second location, which is the nearest available location, for the purpose of replacing defective sectors without adding considerable latency and seek time delays (***see paragraph [0010] in the Hoskins reference***).

**Regarding claims 2 and 7,**

Hoskins teaches a device and method as claimed in claims 1 and 6, wherein said record carrier includes a user area (***see “reserve data area” in Figure 6***) for storing the data blocks, a defect management area (***see “reserve spare area” in Figure 6***) for storing data blocks corresponding to defective locations in the user area and a table area (***see figures 10-1 through 10-4; also see “reserve sector slip list” discussed in paragraph [0054], lines 1-8 of paragraph [0060] and lines 1-5 or paragraph [0061]***) for storing a correspondence between logical addresses of data

Art Unit: 2627

blocks and their location in the defect management area, said device comprising means for detecting on the record carrier a defective location (***“X” in figure 6***) to which a predetermined data block should have been written, the moving means (see Yonezawa) being adapted to move the write head towards a predetermined track comprising a first location within the defect management area to which the predetermined data block is planned to be written, said device further comprising means for updating the table area on the basis of the second location (***see discussion of “slip list” in paragraph [0054], [0060] and [0061] of Hoskins reference***).

**Regarding claim 3,**

Hoskins teaches a method as claimed in claim 2, further comprising a step of modifying the defect management area in such a way that the second location belongs to the defect management area (***paragraph [0054], lines 19-21 discloses that the second location is assigned a logical address when used to manage a defect found in the user area. Said assignment of a logical address corresponding, at least in part, to “modifying”, as broadly claimed***).

**Regarding claims 4 and 8,**

Hoskins teaches a device and method as claimed in claims 1 and 6, wherein said record carrier includes a file management system said device further comprising means

Art Unit: 2627

for updating the file management system on the basis of the second location (***see “PBA zone table” in figure 10-5, disclosed as containing data organization information in paragraph [0061]***).

**Regarding claims 5 and 9,**

Hoskins teaches a device and method as claimed in claims 1 and 6, wherein said record carrier includes a user area for storing the data blocks and a table area for storing a correspondence between logical addresses of data blocks and their location in the user area, said method further comprising a step of updating the table area on the basis of the second location (***lines 8-11 in paragraph [0061] teach updating the logical address in the memory upon assignment of user data to the spare area***).

***Response to Arguments***

2. Applicant's arguments with respect to claims rejected in the Official Action mailed 3/31/2008, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2627

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627